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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,110	05/09/2001	David Frederick Bantz	YOR920010328US1	5012

35526 7590 08/25/2005

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EXAMINER

PIERRE, MYRIAM

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/852,110	Applicant(s) BANTZ ET AL.	
	Examiner Myriam Pierre	Art Unit 2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-21 and 23-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-21 and 23-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's Amendment filed 03/24/2005, responsive to OA of 01/31/2005, amended specification on page 13 line 28 and page 14 line 19; amended drawings Fig. 3 adding element 300 and Fig. 5 adding step number 630; and canceled claims 2 and 22, amended claims 1, 3-5, 7-8, 10-14, 16-18, 20-21, 23-25, 27-28, 30-32, 34-36, and 38-39.

Response to Arguments

Applicant's arguments with respect to claims 1, 3-22, 24-39 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3, 7-15, 21, 23, 27-33, and 39 rejected under 35 U.S.C. 102(e) as being anticipated by Engelke (6,594,346).

enabling a speech recognition function; using the speech recognition function to transcribe (col. 2 lines 51-52) a portion of the communication thereby generate transcription (col. 3 lines 25-29 and col. 6 lines 8-17), wherein the portion of the communication that is transcribed includes only speech input from a first call taker to the first device (personal interpreter or relay) (col. 5 lines 14-15; and 28-30) sending the transcription to the second device (telephone, visual display) when handing over the communication from the party device to the second device (col. 2 lines 50-59; captioned telephone col. 8 lines 58-67).

As to claims 3 and 23, Engelke teaches the portion of the communication that is transcribed includes speech input from the caller that initiated the communication (col. 4 lines 43-44 and col. 5 lines 10-15 and 20).

As to claims 7 and 27, Engelke teaches the speech recognition function is trained based on speech input from the first call taker (relay operator) associated with the first device (terminal or computer) (col. 6 lines 9-20).

As to claims 8 and 28, Engelke teaches the speech recognition function makes use of a reduced vocabulary of recognized words that are specific to communications typically handled by the

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first device (Dragon Systems, voice recognition package, col. 6 lines 25-36).

As to claims 9 and 29, Engelke teaches
enabling the speech recognition function automatically upon the
occurrence of a triggering event (Dragon Systems, voice recognition package,
col. 6 lines 25-36)

As to claims 10 and 30, Engelke teaches
wherein the triggering event is receipt of the communication at the first
device (Dragon Systems, voice recognition package, col. 6 lines 25-36).

As to claims 11 and 31, Engelke teaches
enabling the speech recognition function is performed in response to a
manual input from the first call taker associated with a first device (Fig. 3 element
12 and 14, col. 4 lines 1-7).

As to claim 12, Engelke teaches
displaying the transcription on a first device (col. 2 lines 50-59; captioned
telephone col. 8 lines 58-67).

As to claim 13, Engelke teaches

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displaying the transcription on the second device after the transcription is received by the second device when handing over the communication from the first device to the second device (col. 2 lines 50-59; captioned telephone col. 8 lines 58-67).

As to claims 14 and 32, Engelke teaches
analyzing the transcription to identify words of importance (Dragon Systems, voice recognition package, col. 6 lines 25-36); and
displaying the transcription on the first device with the words of importance conspicuously identified in the display (col. 2 lines 50-59; captioned telephone col. 8 lines 58-67 and Dragon Systems, voice recognition package, col. 6 lines 25-36).

As to claims 15 and 33, Engelke teaches
the words of importance are conspicuously identified in the display by one of highlighting, using a different color text, using different font, and using different font (col. 2 lines 50-59; captioned telephone col. 8 lines 58-67 and Dragon Systems, voice recognition package, col. 6 lines 25-36).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-6, 18-20, 24-26, and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engelke (6,594,346) as applied to claims 1, 21, and 39 above, and further in view of Eisdorfer et al. (5,745,550).

As to claims 4 and 24, Engelke teaches the first device is a first call taker workstation (Fig. 4).

Engelke does not specifically teach a second device for the work station in a call center as per claims 4 and 24.

However, Eisdorfer does teach caller taker workstation associated with a call center, and the second device being a second call taker workstation of the call center (Fig. 1 and col. 4 lines 56-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Eisdorfer in the device of Engelke, because, the user may need additional expertise (such as additional expertise in multi-lingual communication), thus additional expertise is appropriate when a call taker does not speak the same language as the caller, and additional help is required by transferring the call to another work station who speaks/understands the language of the caller. (Eisdorfer et al., col. 4 lines 56-67).

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As to claims 5 and 25, Engelke teaches first level of assistance (col. 2 lines 50-58) does not specifically teach second level of assistance.

However, Eisdorfer et al. does teach a second call taker associated with the second call taker workstation (Fig. 1) provides a second level of assistance (appropriate language speaking caller, col. 4 lines 42-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Eisdorfer in the device of Engelke in order to provide quick access to an expert, such as a person who speaks the same language as the caller, because this would effectively provide the appropriate additional expertise needed to expedite the call. (Eisdorfer et al., col. 4 lines 50-62).

As to claims 6 and 26, Engelke teaches wherein the second level of assistance is more specialized then the first level of assistance (col. 4 lines 42-55; language according to the caller)

As to claims 18 and 36,

Engelke teach transcription (col. 2 lines 50-55).

However, Engelke does not explicitly teach analyzing transcription for recommendations.

Eisdorfer et al. does teach analyzing the transcription to identify recommendations for handling the communication (col. 4 lines 27-40) and

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providing the recommendations to one of the first device and the second device (col. 8 lines 45-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Eisdorfer in the device of Engelke because it would provide fast customer service, thus expertise level for the language is added to avoid excess transferring of calls, and to balance the CA, call assistant, work load. (Eisdorfer et al., col. 4 lines 56-67 and col. 8 lines 6-11).

As to claims 19 and 37,

Engelke teach analyzing the transcription (col. 2 lines 50-55).

Engelke does not specifically teach data mining.

However, Eisdorfer does teach analyzing the transcription includes performing data mining (necessary in the "language determination module" Fig. 6-7) on the transcription (col. 4 lines 25-43)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Eisdorfer in the device of Engelke in order for quick processing, because through data mining, the system accurately selects the language-specific parsers which parse the messages in different languages. (Eisdorfer et al., col. 4 lines 56-67 and col. 8 lines 6-11 and col. 7 lines 57-65).

As to claims 20 and 38,

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Engelke teach analyzing the transcription (col. 2 lines 50-55).

Engelke does not specifically teach identifying recommendations for handling communications.

However, Eisdorfer does teach analyzing the transcription to identify recommendations for handling the communication includes using at least one of a neural network (Fig 1, col. 6 lines 56-62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Eisdorfer in the device of Engelke because it would provide fast customer service by (network) routing the calls automatically. (Eisdorfer et al., col. 6 lines 61-67).

6. Claims 16-17 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engelke (6,594,346) as applied to claims 1, 21, and 39 above, and further in view of Beck et al. (6,370,508).

As to claims 16 and 34,

Engelke teaches a first and second device (Fig. 1 elements 32 and 60).

However, Engelke does not specifically teach first and second device using the same entities.

Beck does teach providing the device using the first device and the second device are provided by a same entity. (Beck uses a "single entity" for string dialog which will occur between first and second devices, such as agent A and customer B, column 22, line 22-24 and Fig 3-4).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Beck in the device of Engelke because this would effectively provide easy accessing and therefore the same entities provide quick information via a party device. (Beck et al., col. 18 lines 6-10 and col. 22 lines 18-27).

As to claims 17 and 35,

Engelke teaches a first and second device (Fig. 1 elements 32 and 60).

However, Engelke does not teach the first device and the second device are provided by different entities.

Beck does teach providing the device using the first party and the second device are provided by a different entity. (Beck uses an "enterprise entity" which is defined as an agent, knowledgeable worker, or any other live attendant, so the party devices, either via telephone or WEB, can be different entities or workers column 18, line 6-10 and Fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Beck in the device of Engelke because this would effectively provide the user with information in a personalized fashion based on the enterprise entity (different entities) such as a knowledgeable worker, a service person, or automated response action such as fax, IVR and automatic file downloads. (Beck et al., col. 17 lines 60-65 and col. 18 lines 3-12).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Myriam Pierre whose telephone number is 571-272-7611. The examiner can normally be reached on 8:30-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

08/22/2005 MP


VIJAY CHAWAN
PRIMARY EXAMINER